

PATENT

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed September 26, 2007. Claims 1-20 are now pending, with claim 1 being an independent claim. Claim 21 has been canceled, while no other claims were amended. The Applicant respectfully requests reconsideration and favorable action in this case.

Regarding the Claims

In the present office action independent claim 1 was rejected under 35 USC 103(a) as being unpatentable over Ambe (US Patent 7,061,876) in view of Doverspike et al (US Patent 6,970,417). In support of this rejection the Examiner set forth that "Ambe does not teach transmitting the packet along a second route in the system after a time of failure. In the same field of endeavor, Doverspike teaches a method responsive to *a failure* in a first path, rerouting traffic to a second communication path that had been identified prior to said failure." (emphasis added). The Examiner has failed to address each and every element of claim 1.

In contrast, the present invention in claim 1 claims "responsive to the packet being received after a time of failure along a communication link between two of the plurality of nodes and in response to the route indicator field..." (emphasis added). The Examiner has failed to point out where in either reference this element is disclosed or taught. In fact, neither Doverspike nor Ambe discloses "and in response to the route indicator field..." As such, Applicant asserts that neither Ambe nor Doverspike, whether taken alone or in any

PATENT

reasonable combination discloses, teaches or render obvious the invention as claimed in claim 1. Therefore Applicant respectfully request that this rejection be withdrawn.

Regarding the rejection of claims 2-20, as these claims depend either directly or indirectly, and therefore incorporate all the limitations therein of independent claim 1, for the reasons set forth above with respect to claim 1, Applicant respectfully asserts that these claims are patentable over the cited reference, and requests that the rejection of these claims be withdrawn.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims. If there are any matters that can be discussed by telephone to further the prosecution of this Application, Applicant invites the Examiner to contact the undersigned attorney at 512-306-8533 at the Examiner's convenience.

Respectfully submitted,

By: 

Raymond M. Galasso
Reg. No. 37,832

Correspondence Address:

Alcatel Lucent
Intellectual Property & Standards
3400 W. Plano Parkway, M/S LEGL2
Plano, TX 75075